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PATENT & TRADEMARK OFFICE

Mail Stop Appeal Brief- Patents

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Michael Gauselmann
Assignee: Atronic International GmbH
Title: Gaming Machine Having Dynamically Controlled Light Display
Serial No.: 10/015,011 Filing Date: December 11, 2001
Examiner: Michael O'Neill Group Art Unit: 3713
Docket No.: M-12388 US
(ATR-M-12388 US)

San Jose, California
July 6, 2005

Mail Stop Appeal Brief- Patents
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

APPEAL BRIEF UNDER 37 CFR §41.37(c)

Dear Sir:

Applicant hereby appeals the Final Rejection of Claims 25-30 and 33-43 in the Examiner's Final Office Action of December 8, 2004 to the Board of Patent Appeals and Interferences.

Please charge our **credit card** (Form PTO-2038 enclosed) the fee of \$500.00 for this Appeal Brief as set forth in CFR §41.20(b)(2).

Please also charge any amounts underpaid or credit any amounts overpaid to Deposit Account No. 502226.

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REAL PARTY IN INTEREST

The real party in interest is the assignee Atronic International GmbH.

RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

STATUS OF CLAIMS

All Claims 25-30 and 33-43 are pending, rejected, and appealed.

STATUS OF AMENDMENTS

After the final office action, all the system Claims 1-11 and 13-24 were cancelled and the canceling amendment was entered by the examiner in the Advisory Action. Only the method claims remain. The Claims 25-30 and 33-43 in the Appendix are those claims remaining after the canceling amendment after the final office action.

SUMMARY OF CLAIMED SUBJECT MATTER

The only independent claim is Claim 25. Claim 25 recites:

25. A method performed by a plurality of gaming machines linked together, the gaming machines having a plurality of lamps of different colors forming a border at least partially surrounding a display of the gaming machine, the display for displaying a game, the method comprising:

receiving signals by each linked gaming machine;

selectively illuminating the lamps of the linked gaming machines in a coordinated manner to indicate to players that the gaming machines are linked and share a common feature.

Fig. 1 of the filed drawings shows one embodiment of a linked gaming machine. Around the video display are colored lamps 40. In Claim 25, the lamps may only form a border at least partially surrounding a display of the gaming machine. The lamps 40 in all the linked gaming machines are controllable to be selectively illuminated in a coordinated manner to indicate to players that the gaming machines are linked and share a common feature. For example, as described in paragraph 32 of the specification, the lamps 40 are illuminated on

only those linked machines that are to become involved in a competitive or jackpot game. The lamps 40 in the involved machines therefore convey to players that their particular machines are involved in the common feature. This is an important improvement over banks of linked machines where only a central overhead display conveys the start of a special feature, such as a bonus feature, etc., and the player must assume that the overhead display applies to her machine. In Applicant's invention, the linked gaming machines need not be located together under a large display to indicate that a common feature is about to begin. Rather, using Applicant's invention, the linked machines may be dispersed throughout the casino, and the players still know when the common feature is about to begin. Further, not every linked machine needs to be involved in the common feature; only those linked machines with the coordinated light display are involved in the common feature. Applicant's technique also obviates the need for a large overhead display to tell players when a common feature is about to begin.

Dependent Claims 36-38 and 41 are additionally nonobvious.

Dependent Claim 36 recites that the illumination of the lamps in a coordinated manner signals the beginning of a competitive game.

Dependent Claim 37 recites that the illumination of the lamps in a coordinated manner signals that the machines are associated with a common jackpot.

Dependent Claim 38 recites that the lamps are illuminated in a sequential manner.

Dependent Claim 41 recites that the illumination of the lamps in the linked machines in a coordinated manner signals the beginning of a jackpot game.

The remainder of the claims recite other nonobvious functional uses of the lamps to convey aspects of the game played.

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

1. Claims 25-28 and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brossard (U.S. Pat. No. 6,302,790) in view of Forbes (U.S. Pat. No. 6,043,615).

2. Claims 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brossard in view of Forbes and Luciano (U.S. Pat. No. 6,541,921).

3. Claims 25-28 and 33-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brossard in view of Forbes and further in view of Acres (U.S. Pat. No. 5,876,284).

4. The above prior art was also combined with Walker (U.S. Pat. No. 6,328,648) to reject two cancelled claims. The Walker patent will be discussed anyway.

ARGUMENT

Claims 25-28 and 33-35 are rejected under 35 U.S.C. 103(a) Over Brossard and Forbes

Generally, the Examiner rejected all of the method Claims 25-30 and 33-43 as being obvious over various combinations of Brossard, Forbes, Luciano, Walker, and Acres. The Examiner incorporated by reference the reasons for the rejections from previous office actions by Examiner Christine Marks.

Applicant's invention of independent Claim 25 includes the limitations of selectively illuminating lamps on a plurality of linked gaming machines in a coordinated manner to indicate to players that the gaming machines are linked and share a common feature. Applicant's invention is particularly useful where linked machines are scattered around a casino and it is not apparent that the machines are available to play a common (e.g., shared) game such as a competitive jackpot game or other shared feature. Applicant's invention has a practical and important function.

It is not disputed by the Examiner that none of the prior art discloses linked gaming machines where lamps on the gaming machines are illuminated in a coordinated manner to show that the machines are linked and share a common feature. In fact, none of the cited art discloses anything whatsoever relating to a coordinated control of linked gaming machines to show to players that they are linked and share a common feature. The Examiner's rejection is that the combination of the art would make Applicant's invention obvious.

Brossard does not disclose linked gaming machines so could not suggest the invention.

The previous examiner, Examiner Marks, whose comments were generally incorporated by reference by Examiner O'Neill, relied on Brossard's Fig. 4B and its description in the patent for the teaching of an attract mode for a single machine, where the lights are completely unrelated to any linked system and to any other machine. In Brossard, there are fourteen backlights (bonus indicia 418) in a circle above the reel display (114) and surrounding a picture of Elvis Presley (416), where each backlight illuminates a bonus award icon (e.g., "50") in front of the backlight. This rejection was initially in the Office Action

dated February 17, 2004. In one embodiment, the bonus indicia 418 are sequentially unilluminated to resemble a record playing (col. 7, lines 22-25), and the illumination of a single one of the indicia 418 after the sequential unillumination identifies the award to be paid to the player (col. 7, lines 25-33).

Examiner Marks also relied on Brossard's description of a brief period after a win when all the bonus indicia 418 are illuminated before being selectively unilluminated to identify a bonus (i.e., the outcome of the game). (See col. 7, lines 7-8, 20-35.)

As seen, Brossard's attract mode display and win display could not provide any suggestion of Applicant's Claim 25 since, in Brossard, the display of lights is completely unrelated to any selective illumination of lamps of linked gaming machines in a coordinated manner to indicate to players that the gaming machines are linked and share a common feature, as recited in Claim 25.

Examiner Marks cited the **Forbes** patent for its teaching of colored fluorescent lamps in a gaming machine, but the Forbes patent does not teach or suggest the function of lamps recited in Applicant's claims. In Forbes, backlighting lamps behind the top glass of a slot machine are continuously lit during normal operation of the machine and are flashed during a promotional period. A single "lucky machine" may be randomly designated by presumably a central controller so that a player playing that machine gets a higher value prize. (See col. 5, lines 7-14.) The Forbes lamps do not convey that the machines are linked or convey that there is a shared common feature. There is no shared common feature in Forbes at all. There is no suggestion in Forbes to modify Brossard (or vice versa) to selectively illuminate lamps of linked gaming machines in a coordinated manner to indicate to players that the gaming machines are linked and share a common feature, as recited in Claim 25.

Forbes is particularly contrary to Claims 36-38 and 41, since those claims expressly describe the common games and how the lamps in the linked machines are illuminated sequentially.

Examiner O'Neill has not provided any satisfactory explanation for why the combination of Brossard and Forbes suggests Claims 25-28 and 33-25.

**Claims 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over
Brossard in view of Forbes and Luciano**

Dependent Claims 29 and 30 relate to the lamp brightness changing based on the amount bet or the number of activated paylines.

Brossard and Forbes have nothing to do with coordinating the light displays of linked gaming machines to show the machines are linked and share a common feature. **Luciano** was cited by Examiner Marks in the February 17, 2004 Office Action for varying the intensity of lamps in a slot machine for different operating modes. The varying of the intensity has nothing to do with coordinating the illumination of lamps in linked gaming machines, as recited in Applicant's Claim 25. Therefore, the combination of Brossard, Forbes, and Luciano could not suggest any of the claims.

**Claims 25-28 and 33-43 are rejected under 35 U.S.C. 103(a) as being
unpatentable over Brossard in view of Forbes further in view of Acres**

The **Acres** patent was cited by Examiner O'Neill in an Office Action dated December 8, 2004, for its disclosure of an overhead display common to various linked gaming machines, where the overhead display depicts a storm to get players excited about a jackpot game. All players of the involved machines must be fairly close to the overhead display to understand that the overhead display relates to their machine. Col. 19, lines 30-33, of the Acres patent discloses that the storm is depicted on overhead panels. This general concept of conveying information with an overhead display is conventional and would not convey to players scattered around the casino that certain gaming machines scattered around the casino were part of the "common" jackpot game. Applicant's invention enables the controlling of the lamps on each linked gaming machine to convey that the shared common feature (e.g., a jackpot session) is about to begin. Applicant's invention also enables some, but not all, of the linked machines to participate in the common feature. Acres does not at all suggest to coordinate the illumination of lamps on the linked gaming machines to show that the machines share a common feature, as recited in Claim 25. Further, any lamps in the Acres linked machines do not even have the ability to be controlled in a coordinated manner.

Further, Acres has no control over which of the linked machines are involved in the jackpot game.

The Examiner has not shown that there is any suggestion or motivation in the cited art for modifying any of the prior art methods to achieve Applicant's methods of Claims 25, 36-38, and 41. Brossard seems completely unrelated to the invention, Forbes only randomly designates a single machine for a promotion which is contrary to a "shared common feature," and Acres only discloses the well-known overhead display for signaling the beginning of a jackpot game.

The Walker Patent

Walker was cited simply for its disclosure of linked gaming machines and provides no other disclosure of significance.

Conclusion

Based on the lack of prior art disclosure regarding the invention of Claim 25, it is respectfully submitted that there is no suggestion for Applicant's invention. The Examiner has concluded there is some general suggestion in the prior art as a whole for Applicant's claims without citing any specific motivating language in the prior art that supports his position.

Accordingly, Applicant's method Claims 25-30 and 33-43 are respectfully submitted to be patentable.

Drawings

The examiner objected to the drawings as not meeting the formal requirements of the PTO (lines and numbers not uniformly thick) and has insisted that the Applicant get the drawing formalized in order to avoid abandonment. Rather than spending money on a

draftsman improving the numerals in the drawings at this stage, Applicant requests that this further outlay of resources be delayed until there is an indication that the claims are allowable. Applicant will submit formal drawings after an indication that the claims are allowable.

EXPRESS MAIL LABEL NO:

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Respectfully submitted,



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CLAIMS APPENDIX

25. A method performed by a plurality of gaming machines linked together, the gaming machines having a plurality of lamps of different colors forming a border at least partially surrounding a display of the gaming machine, the display for displaying a game, the method comprising:

receiving signals by each linked gaming machine;

selectively illuminating the lamps of the linked gaming machines in a coordinated manner to indicate to players that the gaming machines are linked and share a common feature.

26. The method of Claim 25 further comprising:

displaying a first screen of a game;

activating lamps in the border in a first manner that does not affect an outcome of the game;

receiving an instruction from a player;

determining an outcome of the game following the instruction; and

activating lamps in the border in a second manner that does not affect an outcome of the game, different from the first manner, when the outcome is a winning outcome.

27. The method of Claim 26 further comprising:

activating lamps in the border in a third manner, different from the first manner and second manner, when the outcome is a losing outcome.

28. The method of Claim 25, further comprising:

displaying a first screen of a game on a first portion of the display;

activating a first portion of the lamps in the border, wherein the first portion of

lamps are adjacent to the first portion of the display;

displaying a second screen of a game on a second portion of the display; and

activating a second portion of the lamps in the border, wherein the second portion of the lamps are adjacent to the second portion of the display.

29. The method of Claim 25, further comprising:

activating at least a portion of the lamps in the border; and

determining the brightness of the activated lamps based on an amount bet by a player.

30. The method of Claim 25, further comprising:

activating at least a portion of the lamps in the border; and

determining the brightness of the activated lamps based on a number of activated pay lines.

33. The gaming system of Claim 25 , wherein the border comprises a plurality of lamps extending around adjacent sides of the display.

34. The method of Claim 25, wherein selectively illuminating the lamps in the border comprises selectively illuminating a plurality of lamps in a border along at least two sides of the display.

35. The method of Claim 34, wherein selectively illuminating the lamps in the border comprises selectively illuminating a plurality of lamps along at least two adjacent sides of the display.

36. The method of Claim 25 wherein selectively illuminating the lamps in the borders of the linked gaming machines in a coordinated manner to indicate to players that the gaming machines are linked and share a common feature comprises illuminating the lamps in the linked gaming machines to signal the beginning of a competitive game

37. The method of Claim 25 wherein the linked gaming machines are associated with a common jackpot, and wherein selectively illuminating the lamps in the borders of the linked

gaming machines in a coordinated manner to indicate to players that the gaming machines are linked and share a common feature comprises illuminating the lamps in the linked gaming machines to indicate that the linked gaming machines are associated with a common jackpot.

38. The method of Claim 25 wherein selectively illuminating the lamps in the borders of the linked gaming machines in a coordinated manner to indicate to players that the gaming machines are linked and share a common feature comprises illuminating the lamps in the linked gaming machines in a sequential manner.

39. The method of Claim 25 wherein selectively illuminating the lamps in the borders of the linked gaming machines in a coordinated manner to indicate to players that the gaming machines are linked and share a common feature comprises illuminating the lamps in the linked gaming machines in a same way.

40. The method of Claim 25 wherein the lamps are arranged one at least one side of the display.

41. The method of Claim 25 wherein the linked gaming machines have a common jackpot, and wherein selectively illuminating the lamps in the borders of the linked gaming machines in a coordinated manner to indicate to players that the gaming machines are linked and share a common feature comprises illuminating the lamps in the linked gaming machines to signal the beginning of a jackpot game.

42. The method of Claim 25 selectively illuminating the lamps in the borders of the linked gaming machines in a coordinated manner to indicate to players that the gaming machines are linked and share a common feature comprises illuminating the lamps in the linked gaming machines in a pattern, wherein one or more of the linked gaming machines is indicated by the illumination of lamps as a winning machine in accordance with the pattern.

43. The method of Claim 25 further comprising selectively illuminating the lamps of a particular gaming machine for a common game among the linked gaming machines to indicate that the particular gaming machine has won the common game.

EVIDENCE APPENDIX

None

RELATED PROCEEDINGS APPENDIX

None